

SUPERIOR COURT  
OF THE  
STATE OF DELAWARE

T. HENLEY GRAVES  
*RESIDENT JUDGE*

SUSSEX COUNTY COURTHOUSE  
ONE THE CIRCLE, SUITE 2  
GEORGETOWN, DE 19947

April 23, 2009

N440 - State Mail  
David M. Watson, II  
Howard R. Young Correctional Institution  
P. O. Box 9561  
1301 East 12<sup>th</sup> Street  
Wilmington, DE 19801

RE: State of Delaware v. David Michael Watson, II  
Defendant ID Nos. 0603017504(R-2); 0603014298(R-2)  
Motion for Postconviction Relief

Dear Mr. Watson:

The Court received your second Motion for Postconviction Relief filed in these cases on April 9, 2009. I have reviewed same, together with your file, and determine that your motion must be denied as it is procedurally barred.

On December 6, 2006, at your final case review, you pled no contest to robbery in the first degree and possession of a firearm during the commission of a felony. You admitted your guilt to a second set of charges including two burglaries in the third degree, theft of a firearm, and carrying a concealed deadly weapon.

On the possession of a firearm during the commission of a felony charge, you received a 3-year period of incarceration. On the robbery first degree charge, you received a sentence of ten (10) years, suspended after serving the 3-year mandatory period of incarceration. You received probation on the remaining charges.

This sentence was a product of plea negotiations with the State and the defense and which the Court found to be reasonable.

On November 27, 2007, you filed your first Motion for Postconviction Relief including an allegation that the shotgun allegedly used in the robbery was not stolen until days after the robbery. The Court denied your first Motion for Postconviction Relief.

In your present motion, you once again raise the shotgun issue and allege that there are contradictions in the police reports concerning the shotgun.

This is a repackaging of the allegations contained in the first Motion for Postconviction Relief.

Your present motion is therefore procedurally barred because there has been a former adjudication as to this issue (Rule 61(i)(4); the petition comes too late in that it was not filed within one year of your sentence becoming final (Rule 61(i)(1); and finally, it is a repetitive motion (Rule 61(i)(2).

For these reasons, your Motion for Postconviction Relief is denied.

IT IS SO ORDERED.

Yours very truly,

/s/ T. Henley Graves

T. Henley Graves

baj  
cc: Prothonotary  
Department of Justice